IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

WP(C).No. 29647 of 2007(D)

ARC.1071/2000 of MUNSIFF COURT,CHAVAKKAD

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PETITIONER:

AHAMMED, AGED 62 YEARS,
S/O.VARNATTU MUHAMMED, MARUTHAYOOR DESOM,
PAVARATTY VILLAGE, CHAVAKKAD TALUK.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENTS:

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1. ASSISTANT REGISTRAR/SECRETARY,
PAVARATTY SERVICE CO-OPERATIVE BANK LTD.,
NO.3918, P.O.PAVARATTY.

2. PAVARATTY SERVICE CO-OPERATIVE BANK, PAVARATTY,
REPRESENTED BY ITS SECRETARY.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JP

M.N.KRISHNAN, J

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W.P.(C) No.29647 OF 2007

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Dated this the 8th day of October 2007

JUDGMENT

This writ petition is filed for a direction to the Munsiff's Court, Chavakkad to permit the petitioner to pay the amount due to the respondent bank in instalments an direct the restoration of the property to the petitioner. The decree that was put in execution was passed by the concerned authority under the provisions of the Kerala Co-operative Societies Act. The execution petition was transferred to the executing court. The property was sold in auction, sale certificate issued and from the prayer itself, it is seen that it has been delivered. Nothing remains to be done. If at all petitioner wants to get back his property, the court cannot intervene, but he can always approach the decree holder and pray for indulgence. If the decree holder, on satisfaction of the amounts, feels that the property has to be reconveyed, he may be at liberty to do so provided he is the auction purchaser. If it is a stranger, it will be still difficult.

With these observations, the writ petition is dismissed.

M.N.KRISHNAN, JUDGE

Cdp/-